

Interview Summary	Application No. 09/800,890	Applicant(s) YAMANE ET AL.	
	Examiner Yogesh C. Garg	Art Unit 3625	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Yogesh C. Garg. (3) _____
 (2) Reginald Lucas. (4) _____

Date of Interview: 10 April 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
 If Yes, brief description: _____.

Claim(s) discussed: _____.

Identification of prior art discussed: _____.

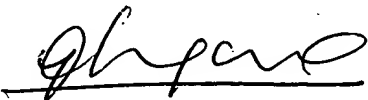
Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Attorney Lucas agreed for issuing an Examiner's amendment by amending claims 1-4, 8-11, 13-15 and 20 and canceling claims 5-6, 16-19 and 21 in order to place the application in condition for allowance. Claims 7 and 12 were previously canceled.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Garg, Yogesh

From: RLucas@s-n-h.com
Sent: Tuesday, April 11, 2006 2:52 PM
To: Garg, Yogesh



finalclaimset.
doc

Hi Examiner:

Our client has informed us that we may cancel claims 16 and 21, as you propose. Please find attached a set of claims depicting the cancellations.

Thanks,
Reginald Lucas

<<finalclaimset.doc>>

<mailto:RLucas@s-n-h.com>

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***** NOTICE *****

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1. (currently amended) An electronic commerce method of a server for performing a commerce with a client by using a network, comprising:

~~an order receiving step which separates~~ separating a sales article into information and goods and ~~presents~~ presenting them to the client in a providing form such that they can be selected;

~~an article providing step which selects~~ selecting the separated information, the separated goods, or a combination thereof of the separated information and the separated goods on the basis of an ordering request from ~~[[said]] the client and provides it to~~ said client;

~~providing form analyzing step which obtains~~ obtaining a use frequency and a storing time of ~~[[an]] the~~ article ~~[[as a target]] to be ordered,~~ analyzing the obtained use frequency and the storing time of the article and ~~[[sets]] setting~~ said providing form based on the analysis; and

~~wherein said order receiving presents a providing form set by said providing form analyzing step is presented as a recommended default providing form to the client~~
displaying the set providing form as a default providing form.

2. (currently amended) A method according to claim 1, wherein ~~in said article providing step,~~ a time difference service such that after the separated information was precedently provided, the separated goods are provided, is executed.

3. (currently amended) A method according to claim 1, wherein ~~in said article providing step,~~ a separation service such that the separated information and the separated goods are respectively solely provided is executed.

4. (currently amended) A method according to claim 1, wherein said sales article is a packaged music recording medium,
~~in said order receiving step~~ separating, said packaged music recording medium is separated into recorded music piece data, a package, music, and the recording medium itself and presented, and

~~in said article providing step~~ selecting, the packaged music recording medium, the music piece data, a medium casing, the music, the recording medium, or a combination

thereof is selected and provided to said client.

5. (cancelled)

6. (cancelled)

7. (cancelled)

8. (currently amended) A method according to claim 1, wherein in said ~~providing form analyzing step~~obtaining, when the use frequency of the article is low and the storing time is short, a providing form of only the information is set.

9. (currently amended) A method according to claim 1, wherein in said ~~providing form analyzing step~~obtaining, when the use frequency of the article is high and the storing time is long, a providing form of the goods themselves is set.

10. (currently amended) A method according to claim 1, wherein in said ~~providing form analyzing step~~obtaining, when the use frequency of the article is high and the storing time is short, a providing form of a combination of the information and the goods is set.

11. (currently amended) A method according to claim 1, wherein in said ~~providing form analyzing step~~obtaining, when the storing time is long although the use frequency of the article is low, a providing form of a combination of the information and the goods or a providing form of the goods themselves is set.

12. (canceled)

13. (currently amended) A method according to claim 1, wherein in said ~~providing form analyzing step~~obtaining, the use frequency and the storing time for the article ordered by said client are obtained with reference to a database of user information in which use environments, tastes, and the like have previously been registered.

14. (currently amended) A method according to claim 1, wherein in said ~~providing form analyzing step~~obtaining, the use frequency and the storing time for the article ordered by said client are obtained with reference to a database in which a use frequency and a storing time have previously been registered in correspondence to an attribute of the sales article.

15. (currently amended) A recording medium in which an electronic commerce program which is executed by a computer constructing a server for performing electronic commerce with a client by using a network has been recorded, wherein said program comprises:

~~an order receiving step which separates~~separating a sales article into information and goods and ~~presents~~presenting them to the client in a providing form such that they can be selected;

~~an article providing step which selects~~selecting the separated information, the separated goods, or a combination thereof of the separated information and the separated goods on the basis of an ordering request from ~~[[said]] the client and provides it to~~ said client;

~~providing form analyzing step which obtains~~obtaining a use frequency and a storing time of ~~[[an]] the article~~ [[as a target]] to be ordered, analyzing the obtained use frequency and the storing time of the article and ~~[[sets]] setting~~ said providing form based on the analysis; and

~~wherein said order receiving presents a providing form set by said providing form analyzing step is presented as a recommended default providing form to the client~~
displaying the set providing form as a default providing form.

16. (cancelled)

17. (cancelled)

18. (cancelled)

19. (cancelled)

20. (currently amended) A server for performing electronic commerce with a client by using a network, comprising:

an order receiving unit which separates a sales article into information and goods and presents them to the client in a providing form such that they can be selected; [[and]]

an article providing unit ~~which selects~~ selecting the separated information, the separated goods, or a combination thereof of the separated information and the separated goods on the basis of an ordering request from ~~[[said]]~~ the client ~~and provides it to said client;~~

a providing form analyzing unit ~~which obtains~~ obtaining a use frequency and a storing time of ~~[[an]]~~ the article ~~[[as a target]]~~ to be ordered, analyzing the obtained use frequency and the storing time of the article and ~~[[sets]]~~ setting said providing form based on the analysis; and

~~wherein said order receiving presents a providing form set by said providing form analyzing step is presented as a recommended default providing form to the client displaying the set providing form as a default providing form.~~

21. (cancelled)